

Message

From: Kupchan, Simma [Kupchan.Simma@epa.gov]
Sent: 4/8/2019 9:06:46 PM
To: Hurd, Kathy [Hurd.Kathy@epa.gov]
CC: Hicks, Matt [Hicks.Matthew@epa.gov]; Laycock, Kelly [Laycock.Kelly@epa.gov]; Ghosh, Mita [Ghosh.Mita@epa.gov]; Purify, Johnnie [Purify.Johnnie@epa.gov]; McGill, Thomas [Mcgill.Thomas@epa.gov]; Palmer, Leif [Palmer.Leif@epa.gov]; Gettle, Jeaneanne [Gettle.Jeaneanne@epa.gov]; Frazer, Brian [Frazer.Brian@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Goodin, John [Goodin.John@epa.gov]; McDavit, Michael W. [Mcdavit.Michael@epa.gov]
Subject: RE: Florida letter
Attachments: Draft OGC letter to FL 4.8.docx

Importance: High

All,

Attached is a draft letter to Florida, as discussed below. If you are able to **provide comments tomorrow (Tuesday)** that would be greatly appreciated. Please let me know if you would like to comment but need more time.

This draft incorporates helpful feedback from Matt Hicks and Carrie Wehling.

As you know, please keep this email and draft a **close hold**; do not circulate unless necessary.

Thanks for your attention to this matter!

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Hurd, Kathy
Sent: Thursday, April 4, 2019 11:59 AM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>
Cc: Hicks, Matt <Hicks.Matthew@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Purify, Johnnie <Purify.Johnnie@epa.gov>; McGill, Thomas <Mcgill.Thomas@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Frazer, Brian <Frazer.Brian@epa.gov>; Goodin, John <Goodin.John@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>
Subject: Re: Florida letter

And adding my management too. Thanks Simma for working on this. Let me know how I can help. - Kathy

Sent from my iPhone

On Apr 4, 2019, at 11:12 AM, Kupchan, Simma <Kupchan.Simma@epa.gov> wrote:

Ok, great. Yes, we definitely will want your careful review!

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Hicks, Matt
Sent: Thursday, April 4, 2019 11:09 AM
To: Laycock, Kelly <Laycock.Kelly@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>
Cc: Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Purify, Johnnie <Purify.Johnnie@epa.gov>; McGill, Thomas <McGill.Thomas@epa.gov>; Palmer, Leif <Palmer.Leif@epa.gov>; Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>
Subject: RE: Florida letter

Ex. 5 Deliberative Process (DP)

I'm copying Leif and Jeaneanne so that they are in the loop as well.

From: Laycock, Kelly
Sent: Thursday, April 4, 2019 10:53 AM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>
Cc: Hicks, Matt <Hicks.Matthew@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Purify, Johnnie <Purify.Johnnie@epa.gov>; McGill, Thomas <McGill.Thomas@epa.gov>
Subject: RE: Florida letter

Just responding to add my management to the email chain so that they're in the loop moving forward.

Kelly Laycock
Wetlands Regulatory Section
U.S. Environmental Protection Agency
61 Forsyth St.
Atlanta GA, 30303
phone 404 562 9132

From: Kupchan, Simma
Sent: Thursday, April 4, 2019 10:51 AM
To: Ghosh, Mita <Ghosh.Mita@epa.gov>
Cc: Hicks, Matt <Hicks.Matthew@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Subject: RE: Florida letter

Thanks again for all of your quick help with this yesterday. Matt found the status paper extremely helpful and enlightening.

As you know, the message is being broadcast at the White House that Matt Leopold and Dave Ross are the ones holding things up.

Ex. 5 Deliberative Process (DP)

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Happy to chat if you like. Thanks!

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Ghosh, Mita
Sent: Wednesday, April 3, 2019 6:39 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>
Cc: Hicks, Matt <Hicks.Matthew@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Subject: RE: Florida letter

Simma:

Ex. 5 Deliberative Process (DP)

Mita Ghosh
Chief, Office of Water Legal Support
Office of Regional Counsel
United States Environmental Protection
Region 4
404-562-9568

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From: Kupchan, Simma
Sent: Wednesday, April 3, 2019 4:24 PM
To: Hicks, Matt <Hicks.Matthew@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Subject: RE: Florida letter

David's language:

Ex. 5 Deliberative Process (DP)

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Hicks, Matt
Sent: Wednesday, April 3, 2019 3:47 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Subject: RE: Florida letter

Let's use my conference line: **Ex. 6 Personal Privacy (PP)**

From: Kupchan, Simma
Sent: Wednesday, April 3, 2019 2:36 PM
To: Hicks, Matt <Hicks.Matthew@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Subject: RE: Florida letter

Great. How about we talk at 4:15 to quickly run through the regs. Whoever would like to join is welcome, but I'll let you all decide if you think you need to be there. I'd like to finish by 4:45.

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Hicks, Matt
Sent: Wednesday, April 3, 2019 1:55 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Subject: RE: Florida letter

I like your idea about formatting.

From: Kupchan, Simma
Sent: Wednesday, April 3, 2019 1:40 PM
To: Hicks, Matt <Hicks.Matthew@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Subject: RE: Florida letter

This is great. Yes, I think we should be able to get this done pretty quickly.

Ex. 5 Deliberative Process (DP)

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Hicks, Matt
Sent: Wednesday, April 3, 2019 1:34 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Subject: RE: Florida letter

I'm available at 4:00.

Ex. 5 Deliberative Process (DP)

From: Kupchan, Simma
Sent: Wednesday, April 3, 2019 1:28 PM
To: Laycock, Kelly <Laycock.Kelly@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Subject: RE: Florida letter

Ex. 5 Deliberative Process (DP)

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Laycock, Kelly
Sent: Wednesday, April 3, 2019 1:11 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Subject: RE: Florida letter

I have to leave at 5 but I could join a call before that.

Kelly Laycock
Wetlands Regulatory Section
U.S. Environmental Protection Agency
61 Forsyth St.
Atlanta GA, 30303
phone 404 562 9132

From: Kupchan, Simma
Sent: Wednesday, April 3, 2019 1:07 PM
To: Hicks, Matt <Hicks.Matthew@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Subject: FW: Florida letter

See below. I am busy until about 4 – anyone free to talk then, by any chance?

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Fotouhi, David
Sent: Wednesday, April 3, 2019 12:54 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: RE: Florida letter

Thanks for tracking all of this down, Simma.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Best,

David

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Kupchan, Simma
Sent: Tuesday, April 2, 2019 5:21 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>
Subject: FW: Florida letter

Hi David,

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

I'd be happy to discuss further. Thanks for your attention in the meantime.

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Fotouhi, David
Sent: Monday, April 1, 2019 10:14 AM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>
Subject: RE: Florida letter

Hi, Simma. That timing works for me. Is your plan to float this idea to the team in R4 today so that they can provide their views on the call tomorrow?

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Kupchan, Simma
Sent: Monday, April 1, 2019 10:11 AM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>
Subject: RE: Florida letter

Hi David,

I will discuss Matt's proposal with Region 4. Would it be ok if I got back to you tomorrow afternoon (we have a regularly scheduled call with all of the key Regional players tomorrow morning), or would you like to move faster than that?

Thanks,

Simma Kupchan

EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Fotouhi, David

Sent: Monday, April 1, 2019 10:03 AM

To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>;
Kupchan, Simma <Kupchan.Simma@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>

Subject: Florida letter

Ex. 5 Deliberative Process (DP)

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov